THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION No:4542 of 1995

DATED 28-02-2006

Between:

Chandrakantha Shah and others.

..... PETITIONERS

AND

The Secretary to the Government of Andhra Pradesh,

and onother.

.....RESPONDENTS

ORDER:

Apprehending that their services would be terminated without complying with the mandatory provisions of the Industrial Disputes Act, including Sections 25-F, 25-G and 25-H, the present writ petition is filed.

In their counter affidavit, respondents would submit that several individuals were appointed either on consolidated pay or on daily wages, during 1990-93, without any orders or approval of the Government for creation of posts, resulting in the over all strength of employees increasing to 815 by March 1993 and making the organization over staffed. It is stated that the appointment orders of the petitioners would reveal that they were appointed on temporary basis in a particular scheme. It is also stated that the Government had taken a decision during July 1993 that since there were surplus employees in the respondent organization, their services be terminated following the procedure prescribed under Section 25-F of the Act. It is stated that following the principle of 'Last Come First Go', the respondents have terminated the services of 300 employees and are contemplating retrenchment of a further 200 employees found surplus by the High Power Committee. It is reiterated that termination of services of employees would only be on the principle of 'Last Come First Go' and that all efforts are being contemplated to restructure the organization.

Sri V.Jagapathi, learned counsel for the petitioners, would submit that all the petitioners herein have put in service of more than 55 years, their probation was declared and if at this length of time their services were to be terminated, they would be put to great hardship. Learned counsel, however, is not in a position to state as to whether subsequent to filing of the writ petition, the petitioners services have been

retrenched or not.

It is for the employer to organize his business in the manner he chooses to and as long as the procedure adopted for terminating the services of employees is in accordance with law, no interference is called for under Article 226 of the Constitution of India. Whether the respondent Corporation has terminated the services of the petitioners herein, subsequent to filing of the writ petition, is also not clear. In any event, since the grievance of the petitioners is that their services should not be terminated without following the principle of 'Last Come First Go' and since it is reiterated by the respondents, in their counter affidavit, that they would effect retrenchment strictly in accordance with the principle of 'First Come Last Go', the cause in the writ petition does not survive. Needless to state that in case the services of the petitioners herein have been terminated and they are aggrieved thereby, it is always open for them to take such action as is available to them in law.

The writ petition is accordingly dismissed. No order as to costs.

_____

28-02-2006

Prv